

REMARKS

Applicants are in receipt of the Office Action mailed April 5, 2004. Claims 1-54 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Priority Claim:

On page 2 of the Office Action, the Examiner states that Applicants have not complied with the requirements under 35 U.S.C. § 119(e) for receiving the benefit of Applicants' earlier filed provisional application (60/169,719). Specifically, the Examiner states, "Oath/Declaration in Application does not specify the claim for priority to provisional application (60/169,719) under 35 U.S.C. 119(e). Priority must be stated in oath/declaration for priority to be granted." However, 35 U.S.C. § 119(e) does not require that priority be stated in the oath/declaration. As for making a priority claim, 35 U.S.C. § 119(e) only requires that the application "contains or is amended to contain a specific reference to the provisional application." Applicants submit that the present application includes, as the first sentence of the specification, a specific reference to the prior provisional application (60/169,719). Thus, Applicants have properly stated a priority claim under 35 U.S.C. § 119(e). *See also* M.P.E.P. 201.11. There is no requirement that a priority claim to a provisional patent application be stated in the oath/declaration. *See* 37 CFR 1.63.

Section 102(e) Rejection:

The Office Action rejected claims 1-3, 8, 15, 17, 20-22, 29, 31, 34-36, 42, 44-46, 52 and 54 under 35 U.S.C. § 102(e) as being anticipated by Young (U.S. Patent 6,560,606). As set forth in more detail below, Applicants respectfully traverse the rejection as to the currently pending claims.

Regarding claim 1, Applicants respectfully disagree with the Examiner interpretation of Young. Specifically, Applicants assert that Young does not teach “distributing the pluggable component to one device via a network subsequent to said configuring” and further disagree with the Examiner’s statement that, under Young, “[p]lug-in modules along with configuration files are created and distributed to the various pipeline stages residing with the execution management framework on the associated machines.”

Young teaches a metering and processing system for processing metered information that incorporates configurable processing modules and a configuration manager. (Young, Abstract). Young’s system includes “a mechanism for converting the metered information into session data, a processing unit for processing the session data, and a configuration manager.” According to Young, the processing unit includes “an execution management framework, and a plurality of plug-ins for processing the session data as directed by the framework with each performing a sub-part of the calculations.” Thus, according to Young, the plug-in modules reside on each processing unit. Additionally, the configuration manager “generates a configuration file reflecting user selections of configuration parameters for plug-in execution.” (Young, column 3, lines 5-14). Young teaches that the “configuration manager 150 generates a configuration file for each stage of the pipeline, preferably specifying the configuration data in XML format”, that configuration files are “sent to each stage configuration module” and also that they are “sent to the execution management framework.” (Young, column 10, lines 4 – 14). According to Young:

The configuration files configure the stages and plug-ins at three-levels. To configure a pipeline, an operator first selects and loads a stage layout, then selects and loads a layout of the plug-ins within each stage, and then selects and load individual plug-in parameters. (Young, column 10, lines 15-20).

Thus, Young teaches that a pipeline can be implemented across multiple computers. However, Young’s system does not include actively distributing plug-in modules to the individual machines subsequent to configuration of preference values for

the plug-in modules on another device. Further, Young describes how “[a] stage configuration module 416 receives configuration files 418 from the configuration manager 150, which define state operations as well as operation of the plug-ins.” Thus, the configuration manager sends configuration information to each stage of the pipeline, but the plug-ins themselves already reside on each processing unit. The actual plug-in modules are clearly not sent by the configuration manager, but rather reside on each individual processing unit of a distributed pipeline.

Therefore, Applicants assert that, contrary to the Examiner’s statement, Young fails to teach distributing the one or more pluggable components to one or more other devices via a network subsequent to said configuring.

In light of the above remarks, Applicants assert that the rejection of claim 1 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 1 apply to claims 21, 35 and 45.

Regarding claim 15, contrary to the Examiner’s assertion, Young does not teach wherein each of the pluggable components comprises a preferences file comprising the preference values associated with the pluggable component. In contrast, Young teaches a single configuration file that is sent to each stage in a distributed pipeline, and that the configuration file contains the configuration information all plug-ins executing on that device. According to Young, “[t]he configuration file is sent to each stage configuration module for configuring the respective stage.” (Young, column 10, lines 7-9). Young further teaches that a stage includes an input queue, an output queue, and a multithreading process space and that “[t]he process space processes a number of plug-ins ... under the control of an execution management framework.” Thus, rather than each pluggable component comprising a preference file comprising the preference values associated with the pluggable component, Young teaches that a single configuration file includes the configuration information for a stage, which may include multiple plug-ins. Additionally, Young does not teach or suggest that a plug-in includes a preferences file that comprises its preference values.

Thus, in light of the above remarks, Applicants assert that the rejection of claim 15 is further unsupported by the cited art and withdrawal of the rejection is respectfully requested. Similar remarks as discussed above in regard to claim 15 apply to claims 29 and 42.

Section 103(a) Rejections:

The Office Action rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Young, as applied to claim 2 above, in view of Hammond (U.S. Patent 6,637,020). The Office Action rejected Claims 5-7, 23, 37 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Young, as applied to claims 1, 5, 21, 35 and 45 above respectively, in view of Barrett et al. (U.S. Patent 6,611,876) (hereinafter “Barrett”). The Office Action rejected Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Young and Barrett, as applied to claim 5 above, in view of Hammond. The Office Action rejected Claims 9, 24, 38 and 48 under 35 U.S.C. § 103(a) as being unpatentable over Young, as applied to claims 1, 21, 35 and 45 above respectively, in view of Foltan et al. (U.S. Patent 6,667,972) (hereinafter “Foltan”). The Office Action rejected Claims 10-12, 25-26, 39-40 and 49-50 under 35 U.S.C. § 103(a) as being unpatentable over Young, as applied to claims 1, 21, 35 and 35 above respectively, in view of Semenzato (U.S. Patent 5,903,728). The Office Action rejected Claims 13-14, 27-28, 41 and 51 under 35 U.S.C. § 103(a) as being unpatentable over Young, as applied to claims 1, 13, 21, 27, 35 and 45 above respectively, in view of Davis et al. (U.S. Patent 5,742,829) (hereinafter “Davis”). The Office Action rejected Claims 16, 18, 30 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Young, as applied to claims 15, 16, 21 and 31 above respectively, in view of Lawrence (U.S. Patent 6,629,113). The Office Action rejected Claims 19, 33, 43 and 53 under 35 U.S.C. § 103(a) as being unpatentable over Young, as applied to claims 1, 21, 35 and 45, in view of Muschett et al. (U.S. Patent 6,026,437) (hereinafter “Muschett”). Applicants traverse each of these rejections for at least the reasons given above in regard to the independent claims.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-46501/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$
for fees ().
- ☐ Other:

Respectfully submitted,



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